

Electronically Recorded

Tarrant County Texas

Official Public Records

11/9/2009 3:45 PM

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\$28.00

CITY SECRETARY  
CONTRACT NO. \_\_\_\_\_**AMENDMENT OF  
OIL AND GAS LEASE****THE STATE OF TEXAS**

§

**COUNTY OF TARRANT**

§

§

**WHEREAS**, an Oil and Gas Lease dated December 5, 2008, was granted by The City of Fort Worth, a home rule municipal corporation ("Lessor") to XTO Energy Inc. ("Lessee"), a memorandum giving notice of such lease being recorded as Instrument No. D208462852 in the Real Property Records of Tarrant County, Texas (the "Lease"); and

**WHEREAS**, a Correction to Oil and Gas Lease (As to Land Description), effective December 5, 2008 and filed of record on September 17, 2009 was granted by The City of Fort Worth, a home rule municipal corporation ("Lessor") to XTO Energy, Inc. ("Lessee") and recorded as Instrument No. D209249516 in the Real Property Records of Tarrant County, Texas ("the Correction"); and

**WHEREAS**, it is the mutual desire of Lessor and Lessee to amend the Lease as provided herein;

**NOW, THEREFORE**, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree that the Lease is amended as follows:

- A. Exhibit "A" attached to the Lease is hereby deleted and the Exhibit "A" attached hereto is hereby substituted therefor.
- B. The first paragraph in Paragraph 1 of the Lease is amended by inserting the following provisions at the conclusion of such paragraph:

"This Lease covers all of the land described on Exhibit "A" hereto, and, in addition, it covers and there is expressly leased, let, and demised to the same extent as if described on Exhibit "A" hereto, all lands owned or claimed by Lessor adjacent to, contiguous to or a part of the lands specifically on Exhibit "A" hereto (including, without limitation, Lessor's interest in minerals under lots, roads, streets, easements and rights-of-way), whether the additional lands are owned or claimed by deed, limitation or otherwise, and whether they are inside or outside the stated description, whether they are held under fence by Lessor or not, and whether the additional lands are in the named survey or other survey or surveys."

- C. The recitation of "23.7411 acres" in the last sentence of Paragraph 1 of the Lease is deleted and "34.67218 acres" is substituted therefore.

**EXCEPT** as amended hereby, the Lease shall remain in full force and effect according to its original terms and, for the same consideration above recited, Lessors hereby ratify, confirm and adopt said Lease as hereby amended, and lease and let the leased premises to Lessee whose interests appear of record according to the terms of the Lease as amended hereby.

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Lessors acknowledge the Lease, as amended hereby, to be valid, subsisting and in full force and effect.

Executed this 19 day of OCTOBER, 2009.

LESSOR:

CITY OF FORT WORTH


By: 

Fernando Costa,  
Assistant City Manager

NO M&C REQUIRED

Contract Authorization

ATTEST:



City Secretary

Date

APPROVED AS TO FORM AND LEGALITY:

By: 

Assistant City Attorney

Date: 10-14-09

LESSEE: *VP*

XTO ENERGY INC.

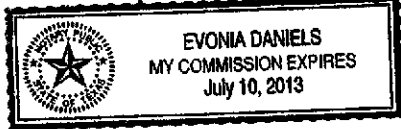
By: 

Edwin S. Ryan, Jr.,  
Senior Vice President, Land Administration

# ACKNOWLEDGMENTS

STATE OF TEXAS       §  
                                  §  
 COUNTY OF TARRANT   §

This instrument was acknowledged before me on this 19th day of October, 2009, by Fernando Costa, Assistant City Manager of The City of Fort Worth, a home rule municipal corporation, on behalf of said home rule municipal corporation in such capacity.



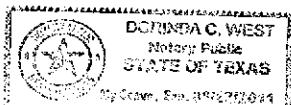
Notary Public Signature: Evonia Daniels

Printed Name of Notary: Evonia Daniels

(Seal) Commission Expires

STATE OF TEXAS       §  
                                  §  
 COUNTY OF TARRANT   §

This instrument was acknowledged before me on this 29 day of October, 2009, by Edwin S. Ryan, Jr., Senior Vice President, Land Administration, of XTO Energy Inc, a Delaware corporation, on behalf of said corporation.



Notary Public Signature: Dorinda West

Printed Name of Notary: DORINDA C WEST

(Seal) Commission Expires

**Exhibit "A"**

- Tract One:** 7.8323 acres, more or less, being all of Marine Creek Park, an Addition to the City of Fort Worth, according to plat recorded as Volume A, Pages 2938-2939, Plat Records of Tarrant County, Texas.
- Tract Two:** 14.09548 acres, more or less, being lots 9,10,11,12, in Block 30, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 in Block 31, Lots 1, 2, 4, 5, 6, 18, 19, 20, 21, 22, 23, and 24 in Block 32, all Lots in Block 33, all Lots in Block 34, all Lots in Block 42, and all lots in Block 43 of the Oak Grove Addition, an addition to the City of Fort Worth, Tarrant County, Texas, thereof recorded in Volume 309 Page 59 of the Plat records, Tarrant County, Texas.
- Tract Three:** 2.5288 acres, more or less, being all Lots in Block 151, all Lots in Block 154 and Lots 20, 21, 22, 23, 24 in Block 153, of the M. G. Ellis Addition, an addition to the City of Fort Worth, Tarrant County, Texas, thereof recorded in Volume 63, Page 19 of the Plat Records, Tarrant County, Texas.
- Tract Four:** 10.2156 acres, more or less, Lots 1, 2, 3 and 4 of Block 1; Lots 1, 17, 18, 19 and 20 of Block 2; Lots 2, 3, 17, 18, 19, 20, 21, 22 and 23, Block 10; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17 18, 19, 20, 21, 22 and 23 of Block 11; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of Block 12; Lot 12, of Block 13; All in the Worth Hills Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded at Volume 309, Page 60 in the Plat Records of Tarrant County, Texas. **LESS, SAVE AND EXCEPT** any part of the above described land located lying within the 7.8323 acres platted as Marine Creek Park, an Addition to the City of Fort Worth, according to plat recorded as Volume A, Pages 2938-2939, Plat Records of Tarrant County, Texas.

Containing 34.67218 acres.